

EXHIBIT D

From: [Johnson, Jr., Daniel](#)
To: [Brannon, Leah](#)
Cc: [Ewing, Elaine](#); [Roger, Kent M.](#); [Newton, Wendelynne](#) (wendelynne.newton@bipc.com); [Cary, George S.](#); [Malm, Larry](#); [Mindlin, Danielle P.](#); [JBR GMCR \(Local\)](#)
Subject: RE: David Manly Deposition
Date: Wednesday, August 13, 2014 1:47:02 PM

Leah,

We anticipate that the Court will rule shortly regarding the relevance of the patent-case documents, and we should wait until then to discuss a firm time for the depositions. Assuming the Court allows the documents, we plan on taking both depositions on the same day. If the Court has not ruled by Friday afternoon, we will talk further about finishing the Manly deposition while awaiting the Court's ruling.

Sarina will proceed on the 20th in Sacramento. Please let us know the time and place.

Daniel Johnson, Jr.
Morgan, Lewis & Bockius LLP

One Market, Spear Street Tower | San Francisco, CA 94105-1126
Direct: +1.415.442.1392 | Fax: +1.415.442.1001 | Cell: +1.415.439.3310
Assistant: Mary A. Jensen | +1.415.442.1338 | mjensen@morganlewis.com

2 Palo Alto Square, 3000 El Camino Real, Suite 700 | Palo Alto, CA 94306
Direct: +1.415.442.1392 | Fax: +1.415.442.1001 | Cell: +1.415.439.3310
Assistant: Mary A. Jensen | +1.415.442.1338 | mjensen@morganlewis.com

djohnson@morganlewis.com | www.morganlewis.com

From: Brannon, Leah [mailto:lbrannon@cgsh.com]
Sent: Wednesday, August 13, 2014 9:36 AM
To: Johnson, Jr., Daniel
Cc: Ewing, Elaine; Roger, Kent M.; Newton, Wendelynne (wendelynne.newton@bipc.com); Cary, George S.; Malm, Larry; Mindlin, Danielle P.
Subject: RE: David Manly Deposition

Hi Dan,

In our meet and confer on Monday, you asked that Mr. Manly's deposition occur by August 16, which is this Saturday. That's why we offered to make him available this Friday, August 15. In light of your email from last night indicating that Friday the 15th does not work for you, we have informed Mr. Manly that this Friday is out, and we are working to find an alternate date that works for you. At this time, there is no court-ordered deposition of Mr. Sullivan. If that were to be ordered, we would also try to work with your schedule to arrange it. If Mr. Sirena's deposition were to be moved from Wednesday, August 20, when is the next date that he would be available?

Best regards,

Leah

From: Johnson, Jr., Daniel [<mailto:djohnson@morganlewis.com>]
Sent: Wednesday, August 13, 2014 11:39 AM
To: Brannon, Leah
Cc: Ewing, Elaine; Roger, Kent M.; Newton, Wendelynne (wendelynne.newton@bipc.com); Cary, George S.; Malm, Larry; Mindlin, Danielle P.
Subject: Re: David Manly Deposition

What about Sullivan? We are not making a second trip.

Daniel Johnson Jr

On Aug 13, 2014, at 8:10 AM, "Brannon, Leah" <lbrannon@cgsh.com> wrote:

Hi Dan,

Dave Manley is not available on Monday of the following week. I'm still confirming his availability later in the week. If we needed to move the Rogers 30(b)(6) currently set for Wednesday the 20th, when is the next date that Mr. Sarina would be available?

Best regards,

Leah

From: Johnson, Jr., Daniel [<mailto:djohnson@morganlewis.com>]
Sent: Tuesday, August 12, 2014 10:44 PM
To: Ewing, Elaine
Cc: Roger, Kent M.; Brannon, Leah; Newton, Wendelynne (wendelynne.newton@bipc.com); Cary, George S.; Malm, Larry; Mindlin, Danielle P.
Subject: Re: David Manly Deposition

I cannot make Friday as I have an appointment out of the office. The following Monday the 18th works. Tuesday does not unless you want to delay the 30 B6 set for the 20th.

Daniel Johnson Jr

On Aug 12, 2014, at 7:03 PM, "Ewing, Elaine" <eewing@cgsh.com> wrote:

Dan,

In response to your question of yesterday, Dave Manly is available Friday (August 15) to conclude his deposition. Are you available then?

Regards,
Elaine

Elaine Ewing
Cleary Gottlieb Steen & Hamilton LLP
Assistant: dmeyer@cgsh.com
2000 Pennsylvania Avenue, NW
Washington, DC 20006
t: +1 202 974 1668 | f: +1 202 974 1999 | m: +1 571 286 9270
www.clearygottlieb.com | eewing@cgsh.com

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities.

DISCLAIMER

This e-mail message is intended only for the personal use of the recipient(s) named above. This message may be an attorney-client communication and as such privileged and confidential and/or it may include attorney work product. If you are not an intended recipient, you may not review, copy or distribute this message. If you have received this communication in error, please notify us immediately by e-mail and delete the original message.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities.

This message is being sent from a law firm and may contain confidential or privileged information. If you are not the intended recipient, please advise the sender immediately by reply e-mail and delete this message and any attachments without retaining a copy.

Throughout this communication, "Cleary Gottlieb" and the "firm" refer to Cleary Gottlieb Steen & Hamilton LLP and its affiliated entities in certain jurisdictions, and the term "offices" includes offices of those affiliated entities.